

REMARKS

Claims 1-18 remain pending in this application for which applicants seek reconsideration.

Applicants request an interview after the examiner has had the opportunity to consider this reply. The undersigned will contact the examiner in due course to schedule an interview.

The claims have been amended to include the term --image-- after “predetermined.” Applicants submit that the present amendment is made solely for clarification purposes, not for narrowing their scope. No new matter has been introduced.

Claims 1-4, 7-12, and 15-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Misawa (USP 6,771,382) in view of Kim (USP 6,268,937). Claim 5 was rejected under § 103(a) as unpatentable over Misawa in view of Kim and Morigami (USP 6,057,934). Claims 13 and 14 were rejected under § 103(a) as unpatentable over Misawa in view of Kim and well known prior art.

In rejecting the claims, the examiner argues that altering an image size by adding white pixels to an image sent by fax is independent of the selection process for determining the transmission type based on the image size. In this respect, the examiner gave an example where if an image is greater than 1Mb, the transmission method would be email, whereas if it is less than 1Mb, the transmission method would be fax. The examiner argues that the size of the image less than 1Mb can still be less than 1 Mb after adding the white pixels, thereby meeting the fax size limitation.

It appears that the examiner is confusing the image size with the image data size. Indeed, the example given by the examiner refers to the image data size, as opposed to the image size. The present independent claims call for altering the size of an image represented by the input image data (to match a predetermined image size in claims 1, 10, 15-18) for transmission by facsimile if the image size represented by the input image data is smaller than the predetermined image size. The image size refers to its two-dimensional size, not the image data size.

Misawa on the other hand explicitly calls for selecting the transmission type based exclusively on the image size (i.e., two-dimensional image size), not based on the image data size. Accordingly, the examiner’s argument about the image data size is improper. Since Misawa explicitly calls for selecting the transmission protocol based on the image size, altering the image size after the transmission selection process would defeat the purpose of making the

transmission selection exclusively based on the image size. The combination simply would not have taught altering the size of the image represented by the input image data to match the predetermined image size for transmission by facsimile if the image represented by the input image data is smaller than the predetermined image size.

Applicants submit that claims 1-18 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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01 DECEMBER 2006

DATE

/Lyle Kimms/

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